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W.A.Nos.1493 of 2014 and 2020 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.A.Nos.1493 of 2014 and 2020 of 2013
and
M.P.No.1 of 2013

W.A.No.1493 of 2014

The Workmen,
Represented by its General Secretary,
I.O.B.Employees Union,
P.B.No.5232,
763, Anna Salai,
Chennai – 600 002.

... Appellant

Vs.

1.The Presiding Officer,
Industrial Tribunal,
Second Floor,
City Civil Court Building,
Chennai.

2.The Deputy General Manager,
Indian Overseas Bank,
763, Anna Salai,
Chennai – 600 002.

... Respondents



W.A.Nos.1493 of 2014 and 2020 of 2013

W.A.No.1493 of 2014

The Deputy General Manager,
Indian Overseas Bank,
763, Anna Salai,
Chennai – 600 002.

... Appellant

Vs.

1.The Presiding Officer,
Industrial Tribunal,
Second Floor,
City Civil Court Building,
Chennai.

2.The Workmen,
Represented by General Secretary,
I.O.B.Employees Union,
P.B.No.5232,
763, Anna Salai,
Chennai – 600 002.

... Respondents

Prayer in W.A.No.1493 of 2014:Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 26.06.2013 in W.P.No.14397 of 2000.

Prayer in W.A.No.2020 of 2013:Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 26.06.2013 in W.P.No.14397 of 2000 insofar as the learned Judge modified the punishment of dismissal dated 11.10.1989 into compulsory retirement and in directing the appellant/bank to pay terminal benefits to the concerned workmen, inspite of charges having been found to be proved against him.



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W.A.No.1493 of 2014

For Appellant : Mr.A.R.Suresh
For R1 : Tribunal
For R2 : Mr.K.Srinivasamurthy

W.A.No.2020 of 2013

For Appellant : Mr.K.Srinivasamurthy
For R1 : Tribunal
For R2 : Mr.A.R.Suresh

COMMON JUDGMENT

(Judgment of the Court was delivered by S.M.SUBRAMANIAM, J.)

Heard the parties.

2. We do not find any infirmity in respect of the findings made by the Writ Court with reference to the procedures adopted for conducting an enquiry and the award passed by the Labour Court. However, the modified punishment imposed by the Writ Court that the punishment of compulsory retirement will take effect from the date on which the workmen attained the age of superannuation seems to be incorrect.



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3. In the context of the modified punishment in the writ order, which is impugned in the present writ appeals, the appellant/IOB has raised ground no.6 that “if the learned Judge wanted to modify the punishment of dismissal into one of compulsory retirement and the best date of dismissal is 11.10.1989 should have been the date of compulsory retirement and whatever benefits the employee was entitled alone should have been directed to be paid after adjusting payment already made pursuant to the interim direction pending disposal of the writ petition.”

4. In view of the fact that the appellant/Bank had no serious objection with reference to the modified punishment of compulsory retirement, they have objected that the punishment of compulsory retirement cannot be imposed from the date of retirement and it must be imposed from the date of dismissal i.e., 11.10.1989.

5. Mr.K.Srinivasamurthy, learned Counsel appearing on behalf of the appellant/Indian Overseas Bank would submit that the payments already made also to be adjusted. For which, the learned Counsel for the workmen has no serious objection.



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6. In view of the facts and circumstances, the order impugned dated 26.06.2013 passed in W.P.No.14397 of 2000 stands modified to the extent that the original punishment of dismissal from service is modified to that of punishment of compulsory retirement with effect from the date of dismissal i.e. on 11.10.1989. Thus, the service benefits due to the workmen is to be calculated from 11.10.1989 and the balance amount after adjusting the amount already paid is directed to be settled within a period of twelve (12) weeks from the date of receipt of a copy of this order. With the above modifications, the writ appeal in W.A.No.1493 of 2014 stands **disposed of**.

7. Since the grounds raised in the writ appeal in W.A.No.2020 of 2013 is also one and the same, no separate adjudication is required. Accordingly, the writ appeal in W.A.No.2020 of 2013 stands closed. No costs. Connected miscellaneous petition is closed.

[S.M.S.J.] [K.R.S.J.]
26.03.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
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To

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W.A.Nos.1493 of 2014 and 2020 of 2013

S.M.SUBRAMANIAM,J.
AND
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Judgment in
W.A.Nos.1493 of 2014
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